IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 19104 of 2006(Y)

AGAINST THE ORDER DATED / / IN OS 175/2004 IN EP.250/2005 of MUNSIFF COURT,KOCHI
.....

PETITIONER:

P.E.NICHOLAS,
S/O.EASSY, AGED 49 YEARS,
PALLAYIL HOUSE, HOUSE NO.22/1808-A,
PAMBAIMOOLA, EDAKOCHI-682 006.

BY ADV. SRI.MATHEW ABRAHAM
SRI.BIMAL PRASAD

RESPONDENTS:

THE EBEN/EZER KURIES AND ENTERPRISES,
COCHIN,
REP. BY ITS MANAGING PARTNER E.JOSEPH, S/O.ANTONY,
HOUSE NO.C.C.16/1648,
WELFARE ROAD, COCHIN-5.

BY ADV. SRI.P.T.JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 TRUE COPY OF THE E.P. 250/05 IN O.S.175/04.

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 19104 OF 2006

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Dated this the 30th day of January, 2007.

J U D G M E N T

This writ petition is filed to quash the order passed by the learned Munsiff, Kochi in E.P.250/05. At the stage of admission this Court directed the writ petitioner to deposit a sum of Rs.10,000/- within two months and it is informed that it has been deposited.

2. Respondents served. The learned counsel for the writ petitioner submits that his client is prepared to pay the amount provided some breathing time is given for making the payment. That request deserves consideration and therefore the writ petition is disposed of permitting the writ petitioner to pay the balance amount in 5 monthly equal instalments commencing from 1/3/07. If he commits two consecutive defaults there will be forfeiture of the benefit of payment in instalments. He is also precluded from raising the plea of no means and the decree holder can proceed to realise the amount in accordance with law.

The writ petition is disposed of accordingly.

M.N. Krishnan, Judge.

ul/-